

Docket No: 10738-43

PATENT

**CERTIFICATE OF EXPRESS MAILING**

"Express Mail" mailing label #: EV 507548550 US

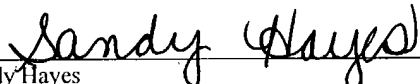
Date of Deposit: October 28, 2004

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Mail Stop Petition; Commissioner for Patents; P.O. Box 1450; Alexandria, VA, 22313-1450.

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OCT 28 2004

OFFICE OF PETITIONS

  
Sandy Hayes

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

Applicant: Small, Kersten M., et al.

Serial No.: 09/692,077

Group Art Unit: 1634

Filed: October 19, 2000

Examiner: D. B. Johannsen

For: **Alpha-2B-Adrenergic Receptor Polymorphisms**

**REQUEST FOR WITHDRAWAL OF NOTICE OF  
ABANDONMENT**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA, 22313-1450

Dear Sir:

The Notice of Abandonment dated September 22, 2004 (copy enclosed) indicates that the above-referenced application was improperly deemed abandoned for failure to timely file a proper reply to the Office Action mailed on March 11, 2004. The Examiner indicates that no reply had been received. The Examiner further indicates that a call was placed on September 15 requesting the status of the application, though Applicants have no record of such a call having been received.

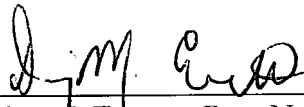
Applicants submit this request for withdrawal of the Notice of Abandonment on the grounds that a proper reply was in fact sent and received in a timely fashion, as evidenced by the attached copy of the Return Receipt postcard and a billing record indicating that the

Applicant's Visa Account was debited for the Amendment and late fee associated with filing the reply-at-issue.

The Return postcard clearly indicates that the reply was deposited into the mail on September 13, 2004, and that the Patent and Trademark Office received the reply on September 16, 2004. Please note that September 11 fell on a Saturday and the reply was therefore timely filed on the following Monday, September 13. The billing information includes a copy of the Visa account transaction history during the time period involved and Applicants' draw attention to the withdrawal of \$490 made on September 22, 2004 for the client and matter number corresponding to the reply-at-issue.

Upon withdrawal of the Notice of Abandonment, Applicants respectfully ask that prosecution on the merits be resumed. Any outstanding deficiency or overpayment in connection with the present communication and/or prosecution of Application Serial No. 09/692,077 should be charged or credited to Deposit Account No. 04-1133.

Respectfully submitted,



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Denise M. Everett, Reg. No. 47,552  
Attorney for Applicants  
Dinsmore & Shohl LLP  
1900 Chemed Center  
255 East Fifth Street  
Cincinnati, Ohio 45202  
(513) 977-8787



UNITED STATES PATENT AND TRADEMARK OFFICE

SEP 27 '04

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22311-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/692,077	10/19/2000	Kersten M. Small	13105	6315

7590 09/22/2004

Holly D. Kozlowski  
DINSMORE & SHOHL LLP  
1900 Chemed Center  
255 East Fifth Street  
Cincinnati, OH 45202

EXAMINER

JOHANNSEN, DIANA B

ART UNIT	PAPER NUMBER
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1634

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

DATE RECEIVED: 9-28-04  
ACTION:  
DUE DATE:  
DOCKETED: *lf*  
ED. NUMBER: 10735-43

# Notice of Abandonment

Application No.

09/692,077

Examiner

Diana B. Johannsen

Applicant(s)

SMALL ET AL.

Art Unit

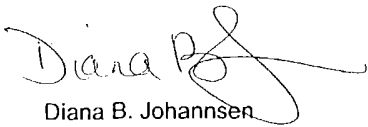
1634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 11 March 2004.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

It is noted that the examiner contacted applicant's representative by telephone on September 15, 2004 to confirm the status of the application; however, the examiner's call was not returned.

  
Diana B. Johannsen  
Primary Examiner  
September 20, 2004

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

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SEP 24 '04

SERIAL NO: 09/692,077

TITLE: Alpha-2B Adrenergic Receptor Polymorphisms

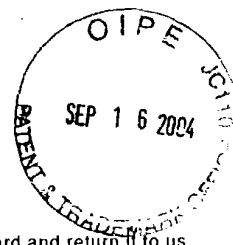
APPLICANT: Kersten M. Small et al.

DOCUMENTS FILED: Amendment Transmittal; Amendment;  
Request for Extension of Time (3 months); Form PTO-2038 Visa  
Charge Account (\$490.00); and Return Receipt Postcard.

DME/rf

10738-43

September 13, 2004



Please place the official stamp of the Patent and Trademark Office on this card and return it to us for our files to constitute an acknowledgement by the PTO of receipt on the date stamped of the above identified paper.

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<b>DINSMORE &amp; SHOHL LLP</b> <b>CHECK REQUEST and INVOICE PAYMENT FORM</b>																					
<b>Name of Attorney / Requester</b> (please print): Sandy Hayes		<b>Date:</b> September 28, 2004																			
<b>Type of Check</b> (choose one) <input type="checkbox"/> Emergency (on demand) <input checked="" type="checkbox"/> Daily Check Run (checks available daily at 11am and 4pm for pick up) <input type="checkbox"/> Accounts Payable - Please attach invoice (2-3 weeks ~ accounting will mail) <input type="checkbox"/> IOLTA (checks available with daily check run-please provide client # below)		<b>Amount:</b> \$12,670.00  <b>Tax I.D. #:</b>  Any additional info or instructions: 4798 1726 0205 5563																			
<b>Payable to:</b> (include address)  U.S. Bank P.O. Box 790408 St. Louis, MO 63179-0408		<div style="text-align: center;"> <b>RECEIVED</b>  <b>OCT 28 2004</b>  <b>OFFICE OF PETITIONS</b> </div> If questions, please contact: Sandy Hayes, X. 8478																			
<b>For:</b> (please describe) To replenish Visa account																					
<b>Attorney / Requester Signature:</b>		<b>Employee Number:</b> 4749																			
<b>Billing Information</b> (Choose from either Client Type or Department Type)																					
<b>Client Type</b> (Choose Client, PEAR or Associate Client Development)																					
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%; padding: 5px;">Client #</td> <td style="width: 25%; padding: 5px;">See Attached Patent &amp; Trademark Matters</td> <td style="width: 20%; padding: 5px;">Amount</td> <td style="width: 10%; padding: 5px;">\$</td> <td style="width: 30%; padding: 5px;">Associate Client Development</td> <td style="width: 10%; padding: 5px;">\$</td> </tr> <tr> <td style="padding: 5px;">Client #</td> <td style="padding: 5px;"></td> <td style="padding: 5px;">Amount</td> <td style="padding: 5px;">\$</td> <td style="padding: 5px;">PEAR</td> <td style="padding: 5px;">\$</td> </tr> <tr> <td style="padding: 5px;">Client #</td> <td style="padding: 5px;"></td> <td style="padding: 5px;">Amount</td> <td style="padding: 5px;">\$</td> <td style="padding: 5px;"></td> <td style="padding: 5px;"></td> </tr> </table>	Client #	See Attached Patent & Trademark Matters	Amount	\$	Associate Client Development	\$	Client #		Amount	\$	PEAR	\$	Client #		Amount	\$					
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Client #		Amount	\$	PEAR	\$																
Client #		Amount	\$																		
<b>Department Type</b> (Choose one from either Office or Attorney Practice Group)																					
<div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <b>Office</b>  <input type="checkbox"/> Accounting (ACTG)  <input type="checkbox"/> Associate Evaluation Committee (EVAL)  <input type="checkbox"/> Benefits (BENE)  <input type="checkbox"/> DinsNet (TECH)  <input type="checkbox"/> Education Committee (EDUC)  <input type="checkbox"/> General Firm (FIRM)  <input type="checkbox"/> Firm Insurance (INS)  <input type="checkbox"/> General Management Committee (GMC)             </div> <div style="width: 48%;"> <input type="checkbox"/> Library (LIBR)  <input type="checkbox"/> Marketing (MKTG)  <input type="checkbox"/> Mercantile (MERC)  <input type="checkbox"/> Paralegals (PARA)  <input type="checkbox"/> Partner / Associate Committee (COMM)  <input type="checkbox"/> Personnel (HR)  <input type="checkbox"/> Recruiting (REC)  <input type="checkbox"/> Systems (SYS)             </div> </div>																					
<b>Attorney Practice Group</b> <div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <input checked="" type="checkbox"/> 15th Floor Litigation (FCW)  <input type="checkbox"/> ALFA (ALFA)  <input type="checkbox"/> Banking &amp; Financial Institutions (FIN)  <input type="checkbox"/> Business Competition (COMP)  <input type="checkbox"/> Compensation &amp; Benefits (ERIS)  <input type="checkbox"/> Emerging Technologies (ETCH)  <input type="checkbox"/> Employment Law Alliance (ELA)  <input type="checkbox"/> Energy &amp; Mineral (ENER)  <input type="checkbox"/> Environmental (ENV)  <input type="checkbox"/> Family Wealth Planning (FWLP)  <input type="checkbox"/> Franchise &amp; Distribution (FRAN)             </div> <div style="width: 48%;"> <input type="checkbox"/> General Corporate (COR)  <input type="checkbox"/> General Labor (LAB)  <input type="checkbox"/> General Litigation (LIT)  <input type="checkbox"/> Immigration (IMM)  <input type="checkbox"/> Intellectual Property (IP)  <input type="checkbox"/> Mass Tort / Class Action (TORT)  <input type="checkbox"/> Media &amp; First Amendment Law (MEDI)  <input type="checkbox"/> Real Estate (RE)  <input type="checkbox"/> Trademark &amp; Copyright (TRMK)  <input type="checkbox"/> Workers' Compensation (WC)  <input type="checkbox"/> Workout, Bankruptcy, Corp. Finance (BANK)             </div> </div>																					

DINSMORE & SHOHL  
CHECK REQUEST

Date: September 28, 2004

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\$ 605.00	25401-35 (Brann Patentbyra) U. S. Patent Application No. 10/507873 - transmittal to the US Designated/Elected Office concerning a filing.
\$ 150.00	25466-4 (First Group USA, Inc.) U. S. Trademark Application No. 78/221702 - FIRST SERVICES - extension request.
\$ 150.00	25466-4 ( First Group USA, Inc.) U. S. Trademark Application No. 78/221700 - FIRST SERVICES - extension request.
\$ 40.00	32475-1 (Sekuworks, LLC) U. S. Patent Application No. 60/367906 - recordal of assignment.
\$ 1,630.00	2098-112 (Clopay Corp.) U. S. Patent Application No. 10/373256 - issue and publication fee.
\$ 856.00	9116-751 (P & G) U. S. Patent Application No. 10/943114 - non-provisional patent application filing fee.
\$ 335.00	9110-315 (P & G) U. S. Trademark Application No. 78/486711 - MINT & REFRESH - application for registration.
\$ 249.00	9271-14 (Aluta, Inc.) U. S. Patent Application No. 29/198057 - design issue fee & printed copy of patent.
\$ 100.00	31160-2 (Bluegrass Cellular, Inc.) U. S. Trademark Application No. 78/286667 - FAMILY PAC - statement of use filing fee.
\$ 100.00	29334-7 (Gen-X Sports Sarl) U. S. Trademark Application No. 78/287188 - TOMMY ARMOUR - request to divide application.
\$ 65.00	24793-47 (Bergenstrahle & Lindvall) U. S. Patent Application No. 10/847254 - response to notice to file missing parts.
\$ 40.00	24793-47 (Bergenstrahle & Lindvall) U. S. Patent Application No. 10/847254 -assignment recordation.
\$ 490.00	10738-43 (University of Cinti) U. S. Patent Application No. 09/692077 -- amendment; 3 month extension.

\$ 1,005.00 9110-315 (P & G) U. S. Trademark Application No. 78/483728 -SCENTSTPRIES IS THE CLOSEST THING TO BEING THERE - application for registration.

\$ 950.00 10936-36A (Nishikawa) U. S. Patent Application No. 10/190995- amendment; request for 3-month extension of time.

\$ 770.00 9116-737 (P & G) U. S. Patent Application No. 09/743933 - request for continued examination fee.

\$ 335.00 26893-1 (Paul T. Healy, Sr. ) U. S. Trademark Application No. 78/484130 - AUCTIONOPOLY - application for registration.

\$ 335.00 26893-1 (Paul T. Healy Sr.) U. S. Trademark Application No. 78/484149 - AUCTIONOPOLY - application for registration.

\$ 130.00 27735-26 (Honda R & D Americas) U. S. Patent Application No. 10/894488 - response to notice to file missing parts of nonprovisional application.

\$ 100.00 9271-15 (Aluta, Inc.) U. S. Trademark Application No. 78/290161 - EZFOAM - statement of use filing fee.

\$ 100.00 9271-15 (Aluta, Inc.) U. S. Trademark Application No. 778/290175 - EZFOAM - statement of use filing fee.

\$ 100.00 9253-24 (Dee Zee Inc.) U. S. Trademark Application No. 78/255292 - PERFORMANCE IMPORT TRENDS - statement of use filing fee.

\$ 100.00 9253-24 (Dee Zee Inc.) U. S. Trademark Application No. 78/255306 - PERFORMANCE IMPORT TRENDS - statement of use filing fee.

\$ 100.00 9253-24 (Dee Zee Inc.) U. S. Trademark Application No. 78/255316 - PERFORMANCE IMPORT TRENDS - statement of use filing fee.

\$ 100.00 25466-4 (First Group America, Inc.) U. S. Trademark Application No. 78/274980 - FIRSTBASE.INFO - statement of use filing fee.

\$ 80.00 24793-48 (Bergenstrahle & Lindvall) U. S. Patent Application No. 60/609740 - provisional patent application filing fee.

\$ 1, 630.00 11015-30 (Balluff, Inc.) U. S. Patent Application No. 10/172885 - payment of issue and publication fees.

\$ 860.00 10738-37 (University of Cinti) U. S. Patent Application No. 10/506935 - IPEA - U. S. & Oath or declaration.




\$ 160.00 10738-58. (University of Cinti) U. S. Patent  
Application No. 60/608764 - provisional patent  
application.

\$ 335.00 9416-4 (CBOCS General Partnership) U. S. Trademark  
Application No. 78/482327 - Momma's PANCAKE  
BREAKFAST - application for registration.

\$ 335.00 9416-4 (CBOCS General Partnership) U. S. Trademark  
Application No. 78/482339 - SMOKEHOUSE BREAKFAST -  
application for registration.

\$ 335.00 9416-4 (CBOCS General Partnership) U. S. Trademark  
Application No. 78/482333 - MOMMA'S FRENCH TOAST  
BREAKFAST - application for registration.

Approved By:

  
Holly D. Kozlowski

(897560)



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**Tuesday, September 28, 2004**

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OUTSTANDING BALANCE	AVAILABLE CREDIT
\$12,520.00	\$51,585.00
MINIMUM PAYMENT DUE	NEXT PAYMENT DATE
\$71.00	10/12/2004

 **Make a payment**  
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- ☐ Most recent statement history
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Start Date

End Date

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## Get History

DATE	DESCRIPTION	CREDIT	CHARGE
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09/27/2004	US PATENT//TRADEMARK OF ARLINGTON VA		\$150.0000
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09/24/2004	US PATENT//TRADEMARK OF ARLINGTON VA		\$335.0000

2540-24  
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9110-215

09/24/2004	US PATENT/TRADEMARK OF 703-3085068 VA		\$249.00
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09/17/2004	PAYMENT THANK YOU	\$16775.00	
09/16/2004	US PATENT/TRADEMARK OF 703-3085068 VA		\$1630.00
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